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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,624	08/03/2000	Henrik Bengtsson	040070-556	9246

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EXAMINER

VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/30/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,624

Applicant(s)

BENGTSOON ET AL.

Examiner

David R Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: .

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-14, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gifford (US 6,549,612).

As shown in Figs. 1-6, especially Fig. 3, Gifford discloses transmitting a message (email or text) including an attachment (cols. 1-15, especially e.g., col. 2, lines 65-67; col. 6, lines 25-37), in a radio communication system (Fig. 4; WAP, col. 1, lines 62-67), transmitting a text message (e.g., email/WAP message) to a destination via a sever (wireless base station for digital phone or PDA, Fig. 3; mail, WEB, or Internet server, Figs. 3-4; or col. 6, lines 25-37), sending an attachment to a server (sending email to email server, Fig. 4; sending WAP message to base station; or col. 2, lines 39-43; col. 6, lines 32-36; col. 8, lines 31-54), transmitting a message including an address (URL links to server locations of stored images, videos,

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voice, etc., cols. 2, and 6-11, especially col. 2, lines 47-64; hyper links, col. 6), file type (col. 14, lines 24-41; the various protocols used have types associated with them and the respective OSI layers; the file types are also known by the extension, e.g., col. 9, lines 8-13), receiving at a computer or a phone (Fig. 3-4 and respective disclosure), using a processor to for controlling a transceiver (can be the processor in a phone or PDA, col. 3, line 48-col. 4, line 59), storing an address (col. 2 and cols. 6-11, especially col. 8, line 31-col. 9, line 39), and a means for querying a user regarding whether an attachment is to transmitted (e.g., when creating the bill with hyper/URL links, col. 5, lines 1-30; or interacting with the server, col. 6, lines 25-61).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as set forth above, in view of Puhl (US 6,223,291).

Gifford fails to particularly call for using SMS with the WAP devices in figure 3.

Puhl (US 6,223,291) teaches that it is well known to use SMS (col. 10, lines 23-32) in a wireless environment (PDA, col. 3, lines 60-67; interacting with billing records, col. 4, lines 49-60; wireless devices using base stations, cols. 4-5; cell phones, col. 7, lines 9-36; WAP, Col. 9, lines 58-67, sending a message with an address/link in it, col. 10, lines 54-65) where servers are used.

It would have been obvious to add the SMS protocol taught by Puhl with the WAP wireless environment disclosed in Gifford because it would add to the compatibility and Gifford is clearly interested in compatibility of many types of devices (Figs. 3-4; cols. 1-2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be


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reached on 703 305 4703. The fax phone number for the organization where this application or proceeding is assigned is 703 872 9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306 0377.

 1/22/04
David R Vincent
Primary Examiner
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January 22, 2004